

**IN THE UNITED STATES DISTRICT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

ZACHARY SMITH

Plaintiff,

v.

CIVIL ACTION NO. 02:12-cv-00095
(Judge Robert Goodwin)

JOSHUA B. MILLER, JOHN
J. MILLER, MYRA MILLER, and
THIS AND THAT BAR & GRILL,
LCC D/B/A UPTOWN GIRLS,

Defendants.

NOTICE OF VOLUNTARY DISMISSAL OF ACTION

Comes now the Plaintiff, by counsel, pursuant to Rule 41(a)(1)(A)(i) and hereby notices the voluntary dismissal of the above-styled civil action without prejudice. The opposing parties served have not filed an answer or a motion for summary judgment.

ZACHARY SMITH
(By Counsel)

/s/ Bert Ketchum

Bert Ketchum (WVSB# 6618)
GREENE, KETCHUM, BAILEY,
WALKER, FARRELL & TWEEL
419 Eleventh Street
Post Office Box 2389
Huntington, WV 25724
(304) 525-9115
(Co-counsel for Plaintiff)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 14th day of February, 2012, he served a true and correct copy of the foregoing **NOTICE OF VOLUNTARY DISMISSAL OF ACTION** by filing the same with the Clerk of the Court using the CM/ECF system and by sending the same by sending the same in the United States Mail, first class, postage prepaid, upon the following:

JOSHUA B. MILLER
JOHN J. MILLER
MYRA MILLER
231 CENTRAL AVENUE
SOUTH WILLIAMSON, KY 41503

THIS AND THAT BAR &
GRILL, LLC D/B/A UPTOWN GIRLS
C/O LEE ANN ADKINS
P.O. BOX 158
VERDUNVILLE, WV 25649

/s/ Bert Ketchum

Bert Ketchum (WVSB# 6618)
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(Co-counsel for Plaintiff)